

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**PEDRO PALMA, Individually
and on Behalf of all Others
Similarly Situated**

PLAINTIFF

v.

No. 3:18-cv-208-DPM

**WEST MEMPHIS FENCE &
CONSTRUCTION, INC.**

DEFENDANT

ORDER

The Court regrets its delay in addressing the parties' concise joint report. On the whole, West Memphis Fence's reading of the Court's April Order is the better one. The Court envisioned targeted discovery about the employee/independent contractor issue—interrogatories, requests for production, and a Rule 30(b)(6) deposition about West Memphis Fence's engagement of sub-contractors, like the one the company says employed Palma. Some basic information about the number of people who worked through the sub-contractors is fair game, too. From that limited discovery, it should be plain whether there exists a substantially similar and numerous group of folks who were arguably employed by West Memphis Fence, albeit jointly with other companies. Palma should not, at this point, engage in standard group-wide discovery. The parties must make another run at the threshold issues.

Joint report, No 32, addressed. Motion for extension, No 34, granted as modified. Renewed motion for conditional certification due by 22 November 2019. An Amended Final Scheduling Order will issue.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

23 July 2019